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UNCLAS ROME 005197

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FROM FODAG

E.O. 12958: N/A

TAGS: [EAGR](#) [ETRD](#) [SENV](#) [KIPR](#) [AORC](#) [FAO](#)

SUBJECT: PLANT GENETIC RESOURCES: INTERGOVERNMENTAL
TECHNICAL WORKING GROUP, 5-7 NOVEMBER 2003

1. Summary: Participants in the FAO Commission for Genetic Resources for Food and Agriculture (CGRFA) Intergovernmental Technical Working Group (ITWG) made progress in setting guidelines for implementing the Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture (GPA) at their Second Meeting in Rome on November 5-7 2003. Efforts to debate political subjects such as Genetic Use Restriction Technologies (GURTs) were, for the most part, successfully evaded by the Chair. The Secretariat noted that 33 countries had ratified the International Treaty on Plant Genetic Resources for Food and Agriculture (IT), increasing the likelihood that it would enter into force during the first half of 2004. Since the developed countries are lagging in ratifications, the IT Governing Body may initially be dominated by developing countries, whose actions may not reflect the consensus of those governments that have signed the treaty. End Summary.

Second Meeting of the ITWG and
Preceding Technical Workshop

2. The Second Meeting of the ITWG took place at the FAO Headquarters in Rome on November 5-7. Participants included representatives from Algeria, Angola, Australia, Democratic Republic of Congo, Ethiopia, India, Indonesia, Japan, Malaysia, Thailand, Germany, Italy, Norway, Poland, Portugal, Cuba, Ecuador, Mexico, Peru, Venezuela, Egypt, Iran, Canada, and the United States. The Malaysian delegate was elected as chair and kept the three days of discussions flowing smoothly. Norway and Angola were selected as vice chairs, and Iran as rapporteur.

3. A November 4 Technical Workshop of experts preceded the ITWG and provided it with input on how to integrate most efficiently the information-gathering activities associated with monitoring the GPA and with writing the Second Report of the State of the World's Plant Genetic Resources for Food and Agriculture (SoW). The experts agreed on a schedule for completing the first draft of the SoW, and for conducting GPA monitoring.

Progress in Implementing the GPA

4. The ITWG discussed and made recommendations regarding several papers prepared by the FAO that addressed the means for implementing the GPA. The "Strengthening Plant Breeding" paper paralleled closely an existing US national study on this topic, and was well received by the ITWG. The "Strengthening Seed Systems" paper was controversial. Australia expressed strong concerns that much of the work proposed in the preceding paper duplicated existing regulatory frameworks (e.g., OECD) and information currently available as documents or via Internet websites. Canada, Portugal, and the US recorded similar concerns. India, Norway, and Angola articulated the need for seed systems research and development tailored to developing nations' conditions. Oddly, representatives from the International Seed Federation (ISF) were silent regarding this topic, even when asked by the Chair for their views. An FAO representative clarified the scope of the proposed work, suggesting that it was not duplicative and filled a serious gap. FAO will reformulate and rewrite the paper, presumably for presentation to the Commission on Genetic Resources for Food and Agriculture (CGRFA) in 2004.

5. Discussion of the role and nature of the Facilitating Mechanism for the IT revealed polarized views. Developing nations wanted it to serve essentially as a

funding mechanism, whereas developed nations and, seemingly, the FAO Secretariat viewed it more as an "information clearing house" that would assist nations in identifying resources (financial and otherwise) for implementing the GPA. The ITWG failed to reach consensus regarding the objectives of the Facilitating Mechanism, so the Chair will forward this topic to the CGRFA for resolution. Surprisingly, the ITWG did make considerable progress in reaching consensus about the activities the

Facilitating Mechanism should undertake, and its operational structure.

Avoiding GURTs, Revising the Code of Conduct,
and Other Political Issues

16. The Chair steered the discussion on revising the current Code of Conduct for Plant Exploration and Transfer away from issues that might affect the terms of the standard Material Transfer Agreement (MTA) of the IT that has yet to be negotiated. When the discussion began, Angola proposed that the Code be revised immediately. Germany, Portugal, Norway, Canada, US, and India suggested that such a revision be considered only after the upcoming negotiations on the MTA are concluded. The Chair quickly recognized this position as the consensus. Some representatives from other governments suspected that the FAO had worked behind the scenes to dissuade the developing nations from using a discussion of Code revision as an opportunity to influence the MTA. Interestingly, Cuba and Iran were absent from the room during this discussion.

17. The Chair ably sidelined efforts by some representatives, especially Cuba, to politicize the proceedings. For example, in discussions on the SoW, Cuba, with support from Iran and Angola, requested the inclusion of information on GURTs. The US requested and received clarification that such information would be from extant documents, rather than from new, additional studies. The Chair specified further that such information would only be from "scientific and authoritative studies."

18. The roles that biotechnology and genetic engineering methods may play in crop improvement surfaced at several points during the meeting. Cuba, Angola, and India requested that the "Strengthening Seed Systems" paper prepared by FAO discuss the eventuality that genetically-engineered seeds might be transferred, either deliberately or inadvertently, to developing nations as a result of famine relief programs. The US suggested this topic was a seed quality issue, which was already addressed at length in the paper.

The IT - Initial Domination by Developing Countries?

19. At the end of the meeting, FAO representatives made a pitch for contributions to support the implementation of the IT, specifically for discussions on the MTA, rules of procedure, financial terms and compliance. Announcements that the US had contributed funds for supporting the Experts Groups Meeting for the MTA, and for the Global Crop Diversity Trust, were well received. The FAO is gratified and surprised by the speed of IT ratifications; thirty-three governments have ratified to date. The IT is expected to enter into force during the first half of 2004, ninety days after the required forty ratifications.

110. An FAO official told U.S. reps on that sidelines that he did not expect the European Union to be among the forty initial IT ratifications - only five EU states have ratified the IT so far. Therefore, the initial IT Governing Body is likely to be dominated by developing countries and its actions may reflect their concerns rather than those of the broader FAO membership. The FAO will not seek an early meeting of the Governing Body, in the hopes that the MTA and other issues can first be resolved at Expert Group meetings, and by the more broadly based CGRFA, which includes 150+ nations. But the timing of a Governing Body meeting may be out of the FAO's hands, because a quorum of one-third of the parties to the IT can call a meeting. In any event, devising a standard MTA may take some time, because so far few countries have developed definitive positions on key issues that the MTA will resolve.

Comment

11. The G-77's interventions regarding GURTs and other biotechnology issues at the ITWG and elsewhere suggest a coordinated campaign, waged simultaneously across several multilateral forums. The ultimate aim of this effort may be to regulate (or in the case, of GURTs, ban outright) agricultural biotechnologies via resolutions in "multilateral environmental agreements" (e.g., CBD, FAO-IT) rather than via the actions of more technical regulatory bodies or agreements (e.g., IPPC, Codex Alimentarius).

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2003ROME05197 - Classification: UNCLASSIFIED